

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREGORY BURNS,	)	
	)	CIVIL ACTION NO. 3:19-cv-163
Plaintiff,	)	
	)	JUDGE KIM R. GIBSON
v.	)	
	)	
JENNIFER SCHROCK, RNS; JAWAD A.	)	
SALAMEH, M.D.; MELISSA	)	
STEFANIC, RN; ANDREW DANCH,	)	
DO; ERIN CLARK, CRNP; AND	)	
CHARDONNAY, INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This matter is before Magistrate Judge Cynthia Reed Eddy for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on May 11, 2021 (ECF No. 88), recommending that the Court: (1) grant Defendant Jennifer Schrock, RNS's, and Defendant Erin Clark, CRNP's, motions to dismiss Count IV<sup>1</sup> (ECF Nos. 69, 74) and dismiss Count IV with prejudice; and (2) deny Defendant CharDonnay, Inc. and Defendant Melissa Stefanic, RN's, motion for a more definite statement or alternatively to dismiss (ECF No. 72). (ECF No. 88 at 9)

The parties were notified that, in accordance with 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Mr. Burns timely filed objections. (ECF No. 90) I have reviewed *de novo* Mr. Burns' objections and accept and reject in part.

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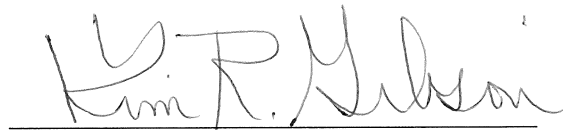
<sup>1</sup> In Count IV, Plaintiff alleges a civil conspiracy against only Defendant Schrock and Defendant Clark.

I have reviewed the record and the briefs *de novo*. After *de novo* review of the record and the Report and Recommendation, the following order is entered:

**AND NOW**, this 20<sup>th</sup> day of July, 2021, the Court adopts the Report and Recommendation as the opinion of this Court except that the dismissal of Count IV is without prejudice and Plaintiff shall be granted leave to amend, and it is **ORDERED** that:

- (1) Defendant Schrock's Motion to Dismiss (ECF No. 69) is **GRANTED**;
- (2) Defendant Clark's Partial Motion to Dismiss (ECF No. 74) is **GRANTED**;
- (3) Count IV—Plaintiff's claim of civil conspiracy against Defendant Schrock and Defendant Clark—is **DISMISSED WITHOUT PREJUDICE**;
- (4) Plaintiff shall have until August 23, 2021, to file an amended complaint regarding his civil conspiracy claim against Defendant Schrock and Defendant Clark;
- (5) Defendant Chardonnay, Inc., and Defendant Stefanic's Motion for a More Definite Statement or Alternatively to Dismiss (ECF No. 72) is **DENIED**.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

**KIM R. GIBSON**

**UNITED STATES DISTRICT JUDGE**